IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.7316/2007.

Rambabu
Vs.
State of Rajasthan & Anr.

Date of order : 10/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Manoj Bhardwaj for the petitioner.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) Learned counsel for the petitioner has argued that though office of the Pradhan of Panchayat Samiti Nagar, District Bharatpur fell vacant consequent upon motion of no confidence being carried out against its holders on 16/3/2007, the respondent, the Chief Election Commissioner has not so far conducted the

elections. The election was not conducted ostensibly for the reason that the writ petitions were pending before this Court against the resolution carried out by the Panchayat Samiti in favour of motion of no confidence. The first writ petition being SBCWP No.2515/2007 was dismissed by this Court on 16/4/2007 filed by the Members of the Panchayat Samiti whereas, second writ petition being SBCWP No.2828/2007 filed by erstwhile Pradhan Smt.Geeta Devi Khandelwal was withdrawn by her on 27/11/2007. Even then, the Election Commission has not conducted the elections.

3) Having heard learned counsel for the petitioner and perused the material available on record, I find that in view of the subsequent developments, the matter needs to be examined at the end of the election commission itself. I therefore, while not entertaining this writ petition, set the petitioner at liberty to make a representation before the Chief Election

Commissioner, State of Rajasthan, Jaipur which shall be considered and decided by it in accordance with law within two weeks from the date of submission of certified copy of this order.

The writ petition is accordingly disposed of.

(MOHAMMAD RAFIQ), J.

anil/-